

TEXT OF PROPOSED REGULATIONS

In the following text, underline indicates additional text and ~~striketrough~~ indicates deleted text.

Title 15, Crime Prevention and Corrections

Division 3, Adult Institutions, Programs and Parole

TABLE OF CONTENTS, Subchapter 2. INMATE RESOURCES, Article 9. Personal Property, title heading is amended to read:

Personal Property and Religious Property

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

3000. Definitions.

Section 3000 is amended to read:

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Religious ~~Artifact~~ Item means any bag, cross, medallion, totem, ~~bible~~, pipe, or other item in which the possessor places religious or spiritual significance.

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NOTE: Authority cited: Sections 2717.3, 3000.03, 5058 and 5058.3, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3550, 4570, 5009, 5054, 5068, 7000 et seq. and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Section 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; and *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

Subchapter 2, Article 9 title is amended to read:

Personal Property and Religious Property

3190. General Policy.

Subsection 3190(a) is amended to read:

(a) Inmates shall be permitted to possess in their quarters/living area, state-issued property items, and authorized personal/religious property items based upon privileges in section 3044 and/or assigned security level and/or institution mission, and subject to disciplinary provisions in sections 3314 and 3315.

Subsection 3190(b) is amended to read:

(b) Specific items of personal and religious property shall be established by a consensus of individual facilities within each of five mission-based regions of the Division of Adult Institutions. ~~A~~ An Authorized Personal Property Schedule, identifying a list of allowable property, not including religious property, shall be developed and updated by each mission-based region no more frequently than twice yearly. Local exceptions to the individual mission-based property lists shall also be identified. All changes to the Authorized Personal Property Schedule shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11364).

The Religious Property Matrix (12/1/12) identifies a separate list of allowable religious property, and is incorporated by reference. The Religious Property Matrix shall be developed and updated by the Wardens Advisory Group/Religious Review Committee no more frequently than twice yearly. Local exceptions to the Religious Property Matrix shall also be identified. All changes to the Religious Property Matrix shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11364).

The following five mission-based regional property lists are incorporated by reference:

Subsection 3190(b)(1) is amended to read:

(1) Authorized Personal Property Schedule-Reception Centers (Rev. ~~2/1/08~~12/1/12). This personal property schedule applies to the following facilities:

Subsections 3190(b)(1)(A) through 3190(b)(1)(I) are unchanged.

Subsection 3190(b)(2) is amended to read:

(2) Authorized Personal Property Schedule-Levels I, II, III, Male Conservation Camps, California Out Of State Facilities (COCF) and Community Correctional Facilities (Rev. ~~2/1/08~~12/1/12). This personal property schedule applies to the following facilities:

Subsections 3190(b)(2)(A) through 3190(b)(2)(DD) are unchanged.

Subsection 3190(b)(3) is amended to read:

(3) Authorized Personal Property Schedule-Levels III and IV (Rev. ~~2/1/08~~12/1/12). This personal property schedule applies to the following facilities:

Subsections 3190(b)(3)(A) through 3190(b)(3)(I) are unchanged.

Subsection 3190(b)(4) is amended to read:

(4) Authorized Personal Property Schedule-High Security and Transitional Housing (Rev. ~~2/1/08~~12/1/12). This personal property schedule applies to the following facilities:

Subsections 3190(b)(4)(A) through 3190(b)(4)(G) are unchanged.

Subsection 3190(b)(5) is amended to read:

(5) Authorized Personal Property Schedule-Female Offenders Programs (Rev. ~~2/1/08~~12/1/12). This personal property schedule applies to the following facilities:

Subsections 3190(b)(5)(A) through 3190(i)(3) are unchanged.

Subsection 3190(i)(4) is amended to read:

(4) Religious Items, as listed within the Religious Property Matrix ~~subject to approval by institutional Chaplain and designated custody staff.~~

Subsections 3190(i)(5) through 3190(t) are unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601, 5006 and 5054, Penal Code; *In re Alcala*, Marin County Superior Court, No. 117925, December 20, 1984 and *Armstrong v. Davis Court Ordered Remedial Plan*, Amended January 3, 2001; *In re Armstrong*, N.D. Cal, No. C 94-02307, March 20, 1998.

Subchapter 3. INMATE ACTIVITIES

Article 1. Religious Program

3213. Stipulations Regarding Religious ~~Artifacts~~ Items, Sanctuaries, and Sacramental Wine.

Subsection 3213(a) is unchanged.

Subsection 3213(a)(1) is amended to read:

(1) For any person to bring sacramental wine or any religious ~~artifact~~ item into a facility.

Subsection 3213(a)(2) is amended to read:

(2) For an inmate to be provided any religious ~~artifact~~ item.

Subsection 3213(a)(3) is amended to read:

(3) For an inmate to wear or carry an approved religious ~~artifact~~ item at any time other than during their regular religious or sweat events, or facility-approved special events.

Subsection 3213(b) is amended to read:

(b) Medicine bags shall be constructed of soft leather or other natural material without a lining and shall not exceed ~~4 1/2~~ 2 x 3 inches in diameter. The bag shall, in the presence of staff, either be closed with a drawstring or sewn shut in such a manner as to permit subsequent searches of the bag's contents by staff.

Subsection 3213(c) is amended to read:

(c) All religious ~~artifacts~~ items shall be subject to searches by staff.

Subsection 3213(d) is unchanged.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code. Section 1996, Title 42, United States Code.

Subchapter 4. GENERAL INSTITUTION REGULATIONS

Article 6.5. Behavior Management Unit

3334. Behavior Management Unit.

Subsections 3334(a) through 3334(g)(1)(A) are unchanged.

Subsection 3334(g)(1)(B) is amended to read:

(B) Religious Medal and Chain, as identified within the Religious Property Matrix ~~(not to exceed \$100 maximum declared value, chain not to exceed 18" in length, obtainable as a set only. Chains may not be purchased separately from medal), one.~~

Subsection 3334(g)(1)(C) is amended to read:

(C) Religious Items, as identified within the Religious Property Matrix ~~(as approved by the local religious review committees, e.g., kufi caps, yarmulkes, prayer rugs, etc.).~~

Subsections 3334(g)(1)(D) through 3334(k) are unchanged.

NOTE: Authority cited: Section 5058 and 5058.3, Penal Code. Reference: Sections 5054, Penal Code.